

REMARKS

Applicants have carefully reviewed the Application in light of the Final Office Action mailed July 11, 2006. At the time of the Final Office Action, Claims 1-55 were pending in the Application and Claim 38 was allowed. In the Final Office Action, the Examiner rejects Claims 1-7, 9-20, 22-29, 33-37, 39-42, and 44-48 and objects to Claims 8, 21, 30-32, and 43. Claims 49-55 are subject to restriction and/or election requirement. Applicants amend Claims 1, 14, 27, 31-32, and 39 and cancel Claims 8, 21, 30, and 43 without prejudice or disclaimer. Applicants' amendments and cancellations have been done to advance prosecution in this case and not to overcome prior art. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

Section 103 Rejections

The Examiner rejects Claims 1-2, 4-6, 10, 12, 14, 15, 17-19, 23, 27, 28, 34, 39, 40, 44, and 46 under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,603,968 issued to Anvekar et al. (hereinafter "*Anvekar*") in view of U.S. Patent Application Publication No. 2003/0119480 issued to Mohammed (hereinafter "*Mohammed*"). "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." M.P.E.P. §706.02(j) (citing *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985)). Applicants respectfully submit that the Examiner does not present either to support the rejection under 35 U.S.C. §103(a).

Applicants amend Claim 1 to include the limitations of Claim 8, amend Claim 14 to include the limitations of Claim 21, amend Claim 27 to include the limitations of Claim 30, and amend Claim 39 to include the limitations of Claim 43. *Anvekar* and *Mohammed*, either alone or in combination, fail to disclose, teach, or suggest each and every element of Applicants' Claim 1, either expressly or inherently. Thus, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependents.

Independent Claims 14, 27, and 39 each recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 1, *Anvekar* and *Mohammed*, alone or in combination, do not disclose, teach, or suggest. Therefore, Applicants respectfully request reconsideration and allowance of independent Claims 14, 27, and 39 together with their dependents.

The Examiner contends Applicants' specification does not define "control node" or "an algorithm." See *Office Action*, pp. 3-7, 9, and 16. Applicants respectfully disagree with the Examiner's contention and submit the specification discloses "control node" and "an algorithm." See, e.g., p. 13, l. 20–p. 14, l. 13; p. 17, ll. 8-27; p. 24, ll. 14-30; p. 27, l. 1–p. 28, l. 24; and p. 31, l. 27–p. 34, l. 25.

The Examiner rejects Claims 3, 16, and 29 under 35 U.S.C. §103(a) as being unpatentable over *Anvekar* in view of *Mohammed* and further in view of U.S. Patent No. 6,728,237 issued to Helander (hereinafter "*Helander*"). The Examiner rejects Claims 7, 20, and 41-42 under 35 U.S.C. §103(a), as being unpatentable over *Anvekar* in view of *Mohammed* and further in view of U.S. Patent No. 6,014,558 issued to Thomas (hereinafter "*Thomas*"). The Examiner rejects Claims 9, 22, and 33 under 35 U.S.C. §103(a), as being unpatentable over *Anvekar* in view of *Mohammed* and further in view of U.S. Patent Application Publication No. 2003/0053430 A1 issued to Choi et al. (hereinafter "*Choi*"). The Examiner rejects Claims 13, 26, and 37 under 35 U.S.C. §103(a), as being unpatentable over *Anvekar* in view of *Mohammed* and further in view of U.S. Patent No. 6,041,358 issued to Huang et al. (hereinafter "*Huang*"). The Examiner rejects Claims 11, 24, 35, and 45 under 35 U.S.C. §103(a), as being unpatentable over *Anvekar* in view of *Mohammed* and further in view of U.S. Patent No. 6,728,300 B1 issued to Sarkar et al. (hereinafter "*Sarkar*"). The Examiner rejects Claims 25 and 36 under 35 U.S.C. §103(a), as being unpatentable over *Anvekar* in view of *Mohammed* and further in view of *Sarkar* and *Thomas*. The Examiner rejects Claim 47 under 35 U.S.C. §103(a), as being unpatentable over *Anvekar* in view of *Mohammed* and further in view of U.S. Patent No. 4,926,495 issued to Comroe et al. (hereinafter "*Comroe*"). The Examiner rejects Claim 48 under 35 U.S.C. §103(a), as being unpatentable over *Anvekar* in view of *Mohammed* and further in view of *Comroe* and U.S. Patent No. 6,385,204 issued to Hoefelmeyer et al. (hereinafter "*Hoefelmeyer*").

Applicants respectfully submit that the combinations as recited above fail to disclose, teach, or suggest each limitation recited in Applicants' Claims 3, 7, 9, 11, 13, 16, 20, 22, 24-26, 29, 33, 35-37, 41-42, 45, and 47-48. The above-mentioned claims are dependent claims that include limitations of their respective independent claims, which have been shown to be allowable, and add additional elements that further distinguish the combinations. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 3, 7, 9, 11, 13, 16, 20, 22, 24-26, 29, 33, 35-37, 41-42, 45, and 47-48.

Allowable Subject Matter

Applicants note with appreciation the Examiner's allowance of Claims 8, 21, 30-32, 38, and 43. The Examiner indicates that the subject matter of Claims 8, 21, 30-32, and 43 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. *Office Action*, p. 16. Applicants cancel Claims 8, 21, 30, and 43; and Applicants incorporate limitations of Claim 8 into Claim 1, limitations of Claim 21 into Claim 14, limitations of Claim 30 into Claim 27, and limitations of Claim 43 into Claim 39. Accordingly, all of the pending claims have been shown to be allowable, and Applicants respectfully request reconsideration and allowance of the pending claims.

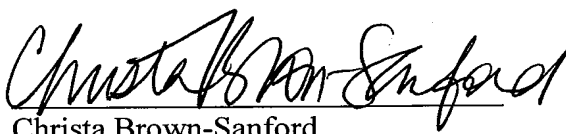
CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully requests reconsideration and allowance of the pending claims.

Applicants believe that no fee is due. If, however, this is not correct, the Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney, Barton E. Showalter, at (214) 953-6509.

Respectfully submitted,
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